

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 56134-5001

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

PRIOR APPLICATION: Examiner: E. Johnson
Art Unit: 1754

Sir:

TRANSMITTAL OF FILING UNDER 37 C.F.R. § 1.60

This is a request for filing a

[] Continuation [x] Divisional

application under 37 C.F.R. § 1.60, of pending prior application, application
no. 09/605,718, filed on June 27, 2000

of : Robert J. JOHNSTON

for: COAL-BASED ORGANIC GROWTH COMPOUND

1. Copy of Prior Application as Filed Which is Attached

[x] I hereby verify that the attached papers are a true copy of the above-identified
prior application, including the oath or declaration, as originally filed (37 C.F.R.
§ 1.60).

The copy of the papers of the prior application as filed which are attached are as follows:

11 pages of specification, including
1 pages of claims
1 page of abstract
 sheets of drawings
2 pages of declaration and power of attorney

2. Amendments

- ☒ Cancel in this application original claims **2 and 3** of the prior application before calculating the filing fee. **[At least one original claim must be retained for filing purposes.]**
- ☒ A preliminary amendment is enclosed (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

3. PTO-1449 is submitted herewith.

4. Priority - 35 U.S.C. § 119

- ☐ The certified copy is enclosed.
- ☐ Priority of Application No. _____ filed on _____ in _____ are claimed under 35 U.S.C. § 119.
- ☐ The certified copies have been filed in prior U.S. Application No. _____ on _____.
- ☐ The certified copy will follow.

5. Relate Back - 35 U.S.C. § 120

- ☒ Amend the specification by inserting before the first line the sentence:
"This is a ☐ continuation ☒ divisional
of copending application

☒ Application Number 09/605,718 filed on June 27, 2000.

☐ International Application No. _____ filed on _____ and which
designated the U.S."
- [Reference must be made to each application in the chain of applications being relied on, including the parent application and any application(s) from which it depends.]**

6. Inventorship Statement

- a. With respect to the prior copending U.S. application from which this application claims benefit under 35 U.S.C. § 120 the inventor in this application is:
- ☒ the same
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

b. The inventorship for all the claims in this application are

- ☒ the same
☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

7. Assignment

- ☒ The prior application is assigned of record to Western Production Corporation, recorded October 19, 2000 at Reel/Frame 011172/0299.
- ☐ An assignment of the invention to _____ is attached.

A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

8. Fee Calculation - 37 C.F.R § 1.16

CLAIMS FOR FEE CALCULATION				
	Number Filed	Number Extra	at Rate of	Basic Fee \$740
Total Claims (37 CFR § 1.16(c))	1 - 20 =	0	\$18.00 each =	+ \$ 0
Independent Claims (37 CFR § 1.16(b))	4- 3 =	0	\$ 84.00 each =	+ \$ 0
Multiple dependent claim(s), if any (37 CFR § 1.16(d))			\$280.00	+ \$
SUB-TOTAL =				\$740.00
Reduction by ½ for filing by a small entity				- \$370.00
TOTAL FILING FEE =				\$370.00

☐ Fee for extra claims is not being paid at this time. (37 CFR § 1.16(d)).

9. Small Entity Status

☒ A verified statement claiming small entity status
☐ is enclosed or ☒ is on file in the prior application and such status is still proper and desired (37 C.F.R. § 1.28(a))

10. Fee Payment

☐ Not Enclosed.
**NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT
AT THIS TIME.**

This application is being filed under the provisions of 37 C.F.R. § 1.53(d).
Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

11. Fee Payment (Continued)

☒ DEPOSIT ACCOUNT NO. 50-0310.
☒ basic filing fee of \$370.00
☐ assignment recording fee of \$
☐ processing and retention fee of \$

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency

of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

12. ☒ The power of attorney in the prior application is to at least one of the following:

Paul N. Kokulis – Reg. No. 16,773

☒ The power appears in the original declaration of the prior application.

☐ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.

13. ☒ Please address all correspondence to:

Morgan, Lewis & Bockius LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

14. ☐ Recognize as associate attorney _____.
(name, address, and registration no.)

15. Maintenance of Copendency of Prior Application

☐ A petition and fee has been filed to extend the term in the pending prior application until _____.


☐ A copy of the petition for extension of time in the prior application is attached.

16. [] PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. _____, filed _____, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310. A duplicate copy of this paper is enclosed for use in charging the deposit account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:


Paul N. Kokulis
Reg. No. 16,773

Dated: February 19, 2002

CUSTOMER NO. 09629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000
Direct: 202-739-5455